

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 199

AN ACT

To repeal sections 48.020, 48.030, 50.740,  
56.640, 135.207, 304.010, and 473.730, RSMo,  
and to enact in lieu thereof nine new  
sections relating to counties, with penalty  
provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

Section A. Sections 48.020, 48.030, 50.740, 56.640,  
135.207, 304.010, and 473.730, RSMo, are repealed and nine new  
sections enacted in lieu thereof, to be known as sections 48.020,  
48.030, 49.272, 50.740, 56.640, 64.907, 135.207, 304.010, and  
473.730, to read as follows:

48.020. All counties of this state are hereby classified,  
for the purpose of establishing organization and powers in  
accordance with the provisions of section 8, article VI,  
Constitution of Missouri, into four classifications determined as  
follows:

Classification 1. All counties having an assessed valuation

1 of [four hundred fifty] six hundred million dollars and over  
2 shall automatically be in the first classification after that  
3 county has maintained such valuation for the time period required  
4 by section 48.030; however, any county of the second  
5 classification which, on August 13, 1988, has had an assessed  
6 valuation of at least four hundred million dollars for at least  
7 one year may, by resolution of the governing body of the county,  
8 elect to be classified as a county of the first classification  
9 after it has maintained such valuation for the period of time  
10 required by the provisions of section 48.030.

11 Classification 2. All counties having an assessed valuation  
12 of [three] four hundred fifty million dollars and less than the  
13 assessed valuation necessary for that county to be in the first  
14 classification shall automatically be in the second  
15 classification after that county has maintained such valuation  
16 for the time period required by section 48.030.

17 Classification 3. All counties having an assessed valuation  
18 of less than the assessed valuation necessary for that county to  
19 be in the second classification shall automatically be in the  
20 third classification.

21 Classification 4. All counties which have attained the  
22 second classification prior to August 13, 1988, and which would  
23 otherwise return to the third classification after August 13,  
24 1988, because of changes in assessed valuation shall remain a

1 county in the second classification and shall operate under the  
2 laws of this state applying to the second classification.

3 48.030. 1. Other than as otherwise provided for in this  
4 section, after September 28, 1979, no county shall move from a  
5 lower class to a higher class or from a higher class to a lower  
6 class until the assessed valuation of the county is such as to  
7 place it in the other class for five successive years[; but,].

8 2. No second class county shall become a third class county  
9 until the assessed valuation of the county is such as to place it  
10 in the third class for at least five successive years and until  
11 the assessed valuations for calendar year 1985 have been entered  
12 on the tax rolls of each county in accordance with subsections 6  
13 and 7 of section 137.115, RSMo.

14 3. Notwithstanding the provisions of subsection 1 of this  
15 section, a county may become a first class county at any time  
16 after the assessed valuation of the county is such as to be a  
17 first class county and the governing body of the county elect to  
18 change classifications. The effective date of such change of  
19 classification shall be in accordance with the provisions of this  
20 section.

21 4. The change from one classification to another shall  
22 become effective at the beginning of the county fiscal year  
23 following the next general election after the certification by  
24 the state equalizing agency for the required number of successive

1 years that the county possesses an assessed valuation placing it  
2 in another class. If a general election is held between the date  
3 of the certification and the end of the current fiscal year, the  
4 change of classification shall not become effective until the  
5 beginning of the county fiscal year following the next succeeding  
6 general election.

7 49.272. The county commission of any county of the first  
8 classification without a charter form of government and with more  
9 than one hundred thirty-five thousand four hundred but less than  
10 one hundred thirty-five thousand five hundred inhabitants which  
11 has an appointed county counselor and which adopts or has adopted  
12 rules, regulations or ordinances under authority of a statute  
13 which prescribes or authorizes a violation of such rules,  
14 regulations or ordinances to be a misdemeanor punishable as  
15 provided by law, may by rule, regulation or ordinance impose a  
16 civil fine not to exceed one thousand dollars for each violation.  
17 Any fines imposed and collected under such rules, regulations or  
18 ordinances shall be payable to the county general fund to be used  
19 to pay for the cost of enforcement of such rules, regulations or  
20 ordinances.

21 50.740. 1. It is hereby made the first duty of the county  
22 commission in counties of classes three and four at its regular  
23 February term to go over the estimates and revise and amend the  
24 same in such way as to promote efficiency and economy in county

1 government. The commission may alter or change any estimate as  
2 public interest may require and to balance the budget, first  
3 giving the person preparing supporting data an opportunity to be  
4 heard. After the county commission shall have revised the  
5 estimate it shall be the duty of the clerk of said commission  
6 forthwith to enter such revised estimate on the record of the  
7 said commission and the commission shall forthwith enter thereon  
8 its approval.

9 2. The county clerk shall within five days after the date  
10 of approval of such budget estimate, file a certified copy  
11 thereof with the county treasurer, taking [his] a receipt  
12 therefor, and [he] shall also forward a certified copy thereof to  
13 the state auditor by registered mail. The county treasurer shall  
14 not pay nor enter protest on any warrant except payroll for the  
15 current year until such budget estimate shall have been so filed.  
16 If any county treasurer shall pay or enter for protest any  
17 warrant except payroll before the budget estimate shall have been  
18 filed, as by sections 50.525 to 50.745 provided, [he] the county  
19 treasurer shall be liable on [his] the official bond for such  
20 act. Immediately upon receipt of the estimated budget the state  
21 auditor shall send to the county clerk [his] the receipt therefor  
22 by registered mail.

23 3. Any order of the county commission of any county  
24 authorizing [and/or] or directing the issuance of any warrant

1 contrary to any provision of this law shall be void and of no  
2 binding force or effect; and any county clerk, county treasurer,  
3 or other officer participating in the issuance or payment of any  
4 such warrant shall be liable therefor upon [his] the official  
5 bond.

6 56.640. 1. If a county counselor is appointed, he and his  
7 assistants under his direction shall represent the county and all  
8 departments, officers, institutions and agencies thereof, except  
9 as otherwise provided by law and shall upon request of any county  
10 department, officer, institution or agency for which legal  
11 counsel is otherwise provided by law, and upon the approval of  
12 the county commission, represent such department, officer,  
13 institution or agency. He shall commence, prosecute or defend,  
14 as the case may require, and exercise exclusive authority in all  
15 civil suits or actions in which the county or any county officer,  
16 commission or agency is a party, in his or its official capacity,  
17 he shall draw all contracts relating to the business of the  
18 county, he shall represent the county generally in all matters of  
19 civil law, and he shall upon request furnish written opinions to  
20 any county officer or department.

21 2. In all cases in which a civil fine may be imposed  
22 pursuant to section 49.272, RSMo, it shall be the duty of the  
23 county counselor, rather than the county prosecuting attorney, to  
24 prosecute such violations in the associate division of the

1 circuit court in the county where the violation occurred.

2 3. Notwithstanding any law to the contrary, the county  
3 counselor in any county of the first classification and the  
4 prosecuting attorney of such county may by mutual cooperation  
5 agreement prosecute or defend any civil action which the  
6 prosecuting attorney or county counselor of the county is  
7 authorized or required by law to prosecute or defend.

8 64.907. 1. Any county subject to Environmental Protection  
9 Agency rules 40 C.F.R. Parts 9, 122, 123, and 124 concerning  
10 storm water discharges is authorized to adopt rules, regulations,  
11 or ordinances reasonably necessary to comply with such federal  
12 regulations including but not limited to rules, regulations, or  
13 ordinances which promote the best storm water management  
14 practices in regulating storm water discharges established by the  
15 Environmental Protection Agency.

16 2. Any county adopting rules, regulations, or ordinances  
17 under subsection 1 of this section is authorized to establish by  
18 rule, regulation, or ordinance a storm water control utility or  
19 other entity to administer any such rules, regulations, or  
20 ordinances adopted under subsection 1 of this section which shall  
21 include authority to impose user fees to fund the administration  
22 of such rules, regulations, or ordinances.

23 3. Any county adopting rules, regulations, or ordinances  
24 under subsection 1 of this section is authorized to establish by

1 rule, regulation, or ordinance a storm water control utility tax  
2 in such amount as is deemed reasonable and necessary to fund  
3 public storm water control projects if such tax is approved by  
4 majority of the votes cast.

5 4. The tax authorized in this section shall be in addition  
6 to the charge for the storm water control and all other taxes  
7 imposed by law, and the proceeds of such tax shall be used by the  
8 city solely for storm water control. Such tax shall be stated  
9 separately from all other charges and taxes.

10 5. The ballot of submission for the tax authorized in this  
11 section shall be in substantially the following form:

12 Shall ..... (insert the name of the county) impose a tax on  
13 the charges for storm water control in ..... (name of county) at  
14 a rate of ..... (insert rate of percent) percent for the sole  
15 purpose of storm water control?

16 ☐ YES

☐ NO

17 If a majority of the votes cast on the question by the qualified  
18 voters voting thereon are in favor of the question, then the tax  
19 shall become effective on the first day of the second calendar  
20 quarter following the calendar quarter in which the election was  
21 held. If a majority of the votes cast on the question by the  
22 qualified voters voting thereon are opposed to the question, then  
23 the tax authorized by this section shall not become effective



1 unless and until the question is resubmitted pursuant to this  
2 section to the qualified voters of the county and such question  
3 is approved by a majority of the qualified voters of the county  
4 voting on the question.

5 135.207. 1. (1) Any city with a population of at least  
6 three hundred fifty thousand inhabitants which is located in more  
7 than one county and any city not within a county, which includes  
8 an existing state designated enterprise zone within the corporate  
9 limits of the city may each, upon approval of the local governing  
10 authority of the city and the director of the department of  
11 economic development, designate up to three satellite zones  
12 within its corporate limits. A prerequisite for the designation  
13 of a satellite zone shall be the approval by the director of a  
14 plan submitted by the local governing authority of the city  
15 describing how the satellite zone corresponds to the city's  
16 overall enterprise zone strategy.

17 (2) Any Missouri community classified as a village whose  
18 borders lie adjacent to a city with a population in excess of  
19 three hundred fifty thousand inhabitants as described in  
20 subdivision (1) of this subsection, and which has within the  
21 corporate limits of the village a factory, mining operation,  
22 office, mill, plant or warehouse which has at least three  
23 thousand employees and has an investment in plant, machinery and  
24 equipment of at least two hundred million dollars may, upon

1     securing approval of the director and the local governing  
2     authorities of the village and the adjacent city which contains  
3     an existing state designated enterprise zone, designate one  
4     satellite zone to be located within the corporate limits of the  
5     village, such zone to be in addition to the six authorized in  
6     subdivision (1) of this subsection.

7           (3) Any geographical area partially contained within any  
8     city not within a county and partially contained within any  
9     county of the first classification with a charter form of  
10    government with a population of nine hundred thousand or more  
11    inhabitants, which area is comprised of a total population of at  
12    least four thousand inhabitants but not more than seventy- two  
13    thousand inhabitants, and which area consists of at least one  
14    fourth class city, and has within its boundaries a military  
15    reserve facility and a utility pumping station having a capacity  
16    of ten million cubic feet, may, upon securing approval of the  
17    director and the appropriate local governing authorities as  
18    provided for in section 135.210, be designated as a satellite  
19    zone, such zone to be in addition to the six authorized in  
20    subdivision (1) of this subsection.

21           2. For satellite zones designated pursuant to the  
22    provisions of subdivisions (1) and (3) of subsection 1 of this  
23    section, the satellite zones, in conjunction with the existing  
24    state-designated enterprise zone shall meet the following

1 criteria:

2 (1) The area is one of pervasive poverty, unemployment, and  
3 general distress, or one in which a large number of jobs have  
4 been lost, a large number of employers have closed, or in which a  
5 large percentage of available production capacity is idle. For  
6 the purpose of this subdivision, "large number of jobs" means one  
7 percent or more of the area's population according to the most  
8 recent decennial census, and "large number of employers" means  
9 over five;

10 (2) At least fifty percent of the residents living in the  
11 area have incomes below eighty percent of the median income of  
12 all residents within the state of Missouri according to the last  
13 decennial census or other appropriate source as approved by the  
14 director;

15 (3) The resident population of the existing state  
16 designated enterprise zone and its satellite zones must be at  
17 least four thousand but not more than seventy-two thousand at the  
18 time of designation;

19 (4) The level of unemployment of persons, according to the  
20 most recent data available from the division of employment  
21 security or from the United States Bureau of Census and approved  
22 by the director, within the area exceeds one and one-half times  
23 the average rate of unemployment for the state of Missouri over  
24 the previous twelve months, or the percentage of area residents

1 employed on a full-time basis is less than sixty percent of the  
2 statewide percentage of residents employed on a full-time basis.

3 3. A qualified business located within a satellite zone  
4 shall be subject to the same eligibility criteria and can be  
5 eligible to receive the same benefits as a qualified facility in  
6 sections 135.200 to 135.255.

7 4. In addition to all other satellite zones authorized in  
8 this section, in any county with a charter form of government and  
9 with more than six hundred thousand but less than seven hundred  
10 thousand inhabitants which includes an existing state designated  
11 enterprise zone, the department of economic development shall  
12 designate an area within the county as a satellite zone upon  
13 approval of the governing authority of the county and the  
14 director of the department of economic development. No satellite  
15 zone shall be designated pursuant to this subdivision until the  
16 governing authority of the county submits a plan describing how  
17 the satellite zone corresponds to the county's overall enterprise  
18 zone strategy and the director approves the plan.

19 304.010. 1. As used in this section, the following terms  
20 mean:

21 (1) "Expressway", a divided highway of at least ten miles  
22 in length with four or more lanes which is not part of the  
23 federal interstate system of highways which has crossovers or  
24 accesses from streets, roads or other highways at the same grade

1 level as such divided highway;

2 (2) "Freeway", a limited access divided highway of at least  
3 ten miles in length with four or more lanes which is not part of  
4 the federal interstate system of highways which does not have any  
5 crossovers or accesses from streets, roads or other highways at  
6 the same grade level as such divided highway within such ten  
7 miles of divided highway;

8 (3) "Rural interstate", that part of the federal interstate  
9 highway system that is not located in an urban area;

10 (4) "Urbanized area", an area of fifty thousand population  
11 at a density at or greater than one thousand persons per square  
12 mile.

13 2. Except as otherwise provided in this section, the  
14 uniform maximum speed limits are and no vehicle shall be operated  
15 in excess of the speed limits established pursuant to this  
16 section:

17 (1) Upon the rural interstates and freeways of this state,  
18 seventy miles per hour;

19 (2) Upon the rural expressways of this state, sixty-five  
20 miles per hour;

21 (3) Upon the interstate highways, freeways or expressways  
22 within the urbanized areas of this state, sixty miles per hour;

23 (4) All other roads and highways in this state not located  
24 in an urbanized area and not provided for in subdivisions (1) to

1 (3) of this subsection, sixty miles per hour;

2 (5) All other roads provided for in subdivision (4) of this  
3 subsection shall not include any state two-lane road which is  
4 identified by letter. Such lettered roads shall not exceed  
5 fifty-five miles per hour unless set at a higher speed as  
6 established by the department of transportation, except that no  
7 speed limit shall be set higher than sixty miles per hour;

8 (6) For the purposes of enforcing the speed limit laws of  
9 this state, it is a rebuttable presumption that the posted speed  
10 limit is the legal speed limit.

11 3. On any state road or highway where the speed limit is  
12 not set pursuant to a local ordinance, the highways and  
13 transportation commission may set a speed limit higher or lower  
14 than the uniform maximum speed limit provided in subsection 2 of  
15 this section, if a higher or lower speed limit is recommended by  
16 the department of transportation. The department of public  
17 safety, where it believes for safety reasons, or to expedite the  
18 flow of traffic a higher or lower speed limit is warranted, may  
19 request the department of transportation to raise or lower such  
20 speed limit, except that no speed limit shall be set higher than  
21 seventy miles per hour.

22 4. Notwithstanding the provisions of section 304.120 or any  
23 other provision of law to the contrary, cities, towns and  
24 villages may regulate the speed of vehicles on state roads and

1 highways within such cities', towns' or villages' corporate  
2 limits by ordinance with the approval of the state highways and  
3 transportation commission. Any reduction of speed in cities,  
4 towns or villages shall be designed to expedite the flow of  
5 traffic on such state roads and highways to the extent consistent  
6 with public safety. The commission may declare any ordinance  
7 void if it finds that such ordinance is:

8 (1) Not primarily designed to expedite traffic flow; and

9 (2) Primarily designed to produce revenue for the city,  
10 town or village which enacted such ordinance.

11 If an ordinance is declared void, the city, town or village shall  
12 have any future proposed ordinance approved by the highways and  
13 transportation commission before such ordinance may take effect.

14 5. The county commission of any county of the second, third  
15 or fourth classification may set the speed limit or the weight  
16 limit or both the speed limit and the weight limit on roads or  
17 bridges on any county, township or road district road in the  
18 county and, with the approval of the state highways and  
19 transportation commission, on any state road or highway not  
20 within the limits of any incorporated city, town or village,  
21 lower than the uniform maximum speed limit as provided in  
22 subsection 2 of this section where the condition of the road or  
23 the nature of the area requires a lower speed. The commission

1 shall send copies of any order establishing a speed limit or  
2 weight limit on roads and bridges on a county, township or road  
3 district road in the county to the chief engineer of the state  
4 department of transportation, the superintendent of the state  
5 highway patrol and to any township or road district maintaining  
6 roads in the county. After the roads have been properly marked  
7 by signs indicating the speed limits and weight limits set by the  
8 county commission, the speed limits and weight limits shall be of  
9 the same effect as the speed limits provided for in subsection 1  
10 of this section and shall be enforced by the state highway patrol  
11 and the county sheriff as if such speed limits and weight limits  
12 were established by state law.

13 6. The county commission of any county of the second,  
14 third, or fourth classification may by ordinance set a countywide  
15 speed limit on roads maintained by a county within any county,  
16 township, or road district in the county and may establish  
17 reasonable speed regulations for motor vehicles within the limit  
18 of such county. No person who is not a resident of such county  
19 and who has not been within the limits thereof for a continuous  
20 period of more than forty-eight hours shall be convicted of a  
21 violation of such ordinances, unless it is shown by competent  
22 evidence that there was posted at the place where the boundary of  
23 such county road enters the county a sign displaying in black  
24 letters not less than four inches high and one inch wide on a



1 white background the speed fixed by such county so that such  
2 signs may be clearly seen by operators and drivers from their  
3 vehicles upon entering such county. The commission shall send  
4 copies of any order establishing a countywide speed limit on a  
5 county, township, or road district road in the county to the  
6 chief engineer of the Missouri department of transportation, the  
7 superintendent of the state highway patrol, and to any township  
8 or road district maintaining roads in the county. After the  
9 boundaries of the county roads entering the county have been  
10 properly marked by signs indicating the speed limits set by the  
11 county commission, the speed limits shall be of the same effect  
12 as the speed limits provided for in subsection 1 of this section  
13 and shall be enforced by the state highway patrol and the county  
14 sheriff as if such speed limits were established by state law.

15 [6.] 7. All road signs indicating speed limits or weight  
16 limits shall be uniform in size, shape, lettering and coloring  
17 and shall conform to standards established by the department of  
18 transportation.

19 [7.] 8. The provisions of this section shall not be  
20 construed to alter any speed limit set below fifty-five miles per  
21 hour by any ordinance of any county, city, town or village of the  
22 state adopted before March 13, 1996.

23 [8.] 9. The speed limits established pursuant to this  
24 section shall not apply to the operation of any emergency vehicle

1 as defined in section 304.022.

2 [9.] 10. A violation of the provisions of this section  
3 shall not be construed to relieve the parties in any civil action  
4 on any claim or counterclaim from the burden of proving  
5 negligence or contributory negligence as the proximate cause of  
6 any accident or as the defense to a negligence action.

7 [10.] 11. Any person violating the provisions of this  
8 section is guilty of a class C misdemeanor, unless such person  
9 was exceeding the posted speed limit by twenty miles per hour or  
10 more then it is a class B misdemeanor.

11 473.730. 1. Every county in this state, and the city of  
12 St. Louis, shall elect a public administrator at the general  
13 election in the year 1880, and every four years thereafter, who  
14 shall be ex officio public guardian and conservator in and for  
15 the public administrator's county. A candidate for public  
16 administrator shall be at least twenty-one years of age and a  
17 resident of the state of Missouri and the county in which he or  
18 she is a candidate for at least one year prior to the date of the  
19 general election for such office. The candidate shall also be a  
20 registered voter, and shall be current in the payment of all  
21 personal and business taxes. Before entering on the duties of  
22 the public administrator's office, the public administrator shall  
23 take the oath required by the constitution, and enter into bond  
24 to the state of Missouri in a sum not less than ten thousand

1 dollars, with two or more securities, approved by the court and  
2 conditioned that the public administrator will faithfully  
3 discharge all the duties of the public administrator's office,  
4 which bond shall be given and oath of office taken on or before  
5 the first day of January following the public administrator's  
6 election, and it shall be the duty of the judge of the court to  
7 require the public administrator to make a statement annually,  
8 under oath, of the amount of property in the public  
9 administrator's hands or under the public administrator's control  
10 as such administrator, for the purpose of ascertaining the amount  
11 of bond necessary to secure such property; and such court may  
12 from time to time, as occasion shall require, demand additional  
13 security of such administrator, and, in default of giving the  
14 same within twenty days after such demand, may remove the  
15 administrator and appoint another.

16 2. The public administrator in all counties, in the  
17 performance of the duties required by chapters 473, 474, RSMo,  
18 and 475, RSMo, is a public officer. The duties specified by  
19 section 475.120, RSMo, are discretionary. The county shall  
20 defend and indemnify the public administrator against any alleged  
21 breach of duty, provided that any such alleged breach of duty  
22 arose out of an act or omission occurring within the scope of  
23 duty or employment.

24 3. After January 1, 2001, all salaried public

1 administrators shall be considered county officials for purposes  
2 of section 50.333, RSMo, subject to the minimum salary  
3 requirements set forth in section 473.742.